

REMARKS

The Office Action of November 27, 2006 requires Applicant to elect a single species from Claims 32-41 and 49, because, according to the Examiner, "they comprise materially different states responsive to different sensing parameters in transitioning a fuel cell system."

Applicant traverses the restriction requirement.

Applicant respectfully submits that the statement that each of Claims 32-41 and 49 comprise materially different states is false.

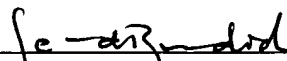
All claims remaining in the application are directed to a method for a self-controlling fuel cell power system to automatically transition its current operating state among a plurality of possible operating states in response to sensing one or more control variables among many control variables. Thus, each of Claims 32-41 and 49 describe a specific transition, or process loop, in the overall control algorithm of the method.

In sum, none of Claims 32-41 and 49 comprises a state. Each describes a process step for transitioning the current operating state of the fuel cell system responsive to sensing a control variable. As such, Claims 32-41 and 49 are not patentably distinct. Accordingly, Applicant respectfully requests that the restriction requirement be withdrawn.

In accordance with 37 CFR 1.143, Applicant hereby provisionally elects to prosecute the single species recited in Claim 49, identified in the Office Action as Embodiment XI. Claims encompassing the elected invention are Claims 27-31 and 42-46, 49-50, and 54-72.

Respectfully submitted,

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